

Application No. 10/577,610
Amdt. Dated 22 June 2009
Reply to Office Action of 22 January 2009

REMARKS / ARGUMENTS

Applicant has carefully studied the outstanding Official Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Application as examined included claims 1 - 14, 16 - 17 and 19 - 22. Claims 15 and 18 were previously cancelled. In the present response, claims 1 - 10 and 21 - 22 are cancelled without prejudice. Claims 11, 14, 17, and 19 - 20 are amended. Claims 12 - 13 and 16 are unchanged. New claims 23 - 30 are added.

Claims 1 - 10 and 21 - 22 stand rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 - 10 and 21 - 22 are cancelled without prejudice.

Claims 1-11, 14 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Knox (U.S. Published Patent Application No. 2002/0194122) in view of Nhaissi (U.S. Published Patent Application No. 2005/0203835). Claims 12 - 13, 16 - 17 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Knox in view of Nhaissi, further in view of Wu (U.S. Published Patent Application No. 2003/0046249). Claims 21 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Knox in view of Nhaissi, further in view of Meier (U.S. Published Patent Application No. 2003/0102376).

Knox describes a process for determining whether a prepaid card customer is credit worthy by analyzing deposits and purchases transactions associated with the account of the customer and advancing credit on prepaid card purchases in response to the determination of creditworthiness. Nhaissi describes a method of pre-

Application No. 10/577,610
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paid Internet access, including accessing the Internet using a prepaid account, which access deducts from a balance of said account and performing one or more activities while connected to the Internet.

Wu describes a prepaid card terminal connected via a global communications network to a remote central server adapted to store and maintain account data associated with a prepaid card. Meier describes a system for processing image data, corresponding to a scene, comprising an imaging device and an image reading instruction indicia.

The Examiner rejected claim 11 based on the combination of Knox and Nhaissi. However, Applicant respectfully submits, as discussed below, that neither Knox and Nhaissi, alone or in combination, show a Point of Sale (POS) terminal, including an input device operative to receive prepaid card identifying indicia from a prepaid card issued to a customer by a prepaid card issuer, where the prepaid card issuer has a credit card account, and a processor operative using the prepaid card identification indicia to identify a credit card number associated with the credit card account of the prepaid card issuer, where the credit card number is different from the prepaid card identification indicia, as recited in amended claim 11.

In the rejection of claim 11, the Examiner wrote:

"Knox does not show a processor, operative to process a prepaid card transaction using the prepaid card as a credit card transaction employing a credit card account of said prepaid card issuer, which credit card number which is different from said prepaid card identification indicia. Nhaissi shows a processor, operative to process a prepaid card transaction using the prepaid card as a credit card transaction employing a credit card account of said prepaid card issuer, which credit card number which is different from said prepaid card identification indicia (Nhaissi, page 17, paragraph 276)."

Application No. 10/577,610
Amdt. Dated 22 June 2009
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Applicant respectfully disagrees with the Examiner's characterization of the processor of Nhaissi.

Firstly, the bolded portions of the above quoted portion of the Official Action do not appear in claim 11 as examined or as presently amended.

Secondly, neither Knox or Nhaissi show or suggest the following italicized features of claim 11 as presently amended:

Claim 11 (Amended) A point of sale terminal comprising:

an input device operative to receive prepaid card identification indicia from a prepaid card issued to a customer by a prepaid card issuer, said prepaid card issuer having a credit card account; and

a processor, operative using said prepaid card identification indicia to identify a credit card number associated with said credit card account of said prepaid card issuer, said credit card number being different from said prepaid card identification indicia.

This can be clearly seen from the following quotation taken from Nhaissi:
"Alternatively or additionally, a credit card may be used. In a preferred embodiment of the invention, when a credit card is used to connect to the Internet, a virtual pre-paid card is created which includes only a small amount of access time/electronic money. When this small amount is used up a user may recharge it at will. However, there is no danger that a user's credit card number will be stolen, since it need never be provided on the Internet. The virtual card may be transparent to the user, since it may be embedded in an electronic persona." (Nhaissi, page 17, paragraph 276), (emphasis added)

Application No. 10/577,610
Amdt. Dated 22 June 2009
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As seen in the preceding quotation, Nhaissi shows creation of a virtual prepaid card using the credit card account of the user, not the credit card account of the prepaid card issuer as in the present invention. Information associated with the virtual prepaid card, rather than the credit card number of the user, is presented to the service provider. Consequently, the user's credit card is not processed through the credit card processing network. This is a totally different structure from that claimed in amended claim 11.

In contrast to the device recited in claim 11, in Nhaissi's system the credit card number is NOT "associated with the credit card account of the prepaid card issuer."

The examiner stresses the anonymity features and benefits of the Nhaissi system. The present invention as described in the specification and set forth in the claims does not address issues of anonymity and preservation of anonymity is irrelevant to the claimed invention.

Applicant therefore respectfully submits that none of the cited prior art, alone or in combination, shows or suggests a point of sale terminal including, inter alia, a processor operative to identify a credit card number associated with a credit card account of a prepaid card issuer, where the credit card number is different from the prepaid card identification indicia, as recited in claim 11 and that claim 11 is patentable.

Support for new claim 23 is found, inter alia, in paragraph [0043] of the application as published (U.S. Patent Publication No. 2007/0078767). Support for new claim 24 is found, inter alia, in paragraph [0024] of the application as published (U.S. Patent Publication No. 2007/0078767).

Application No. 10/577,610
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New claims 25 - 30 are similar in scope to previous claims 5, 21, 6 - 7, 22 and 10 respectively.

Claims 12 - 14, 16 - 17, 19 - 20 and 23 - 30 each depend directly or ultimately from claim 11 and recite additional patentable subject matter and therefore are allowable.

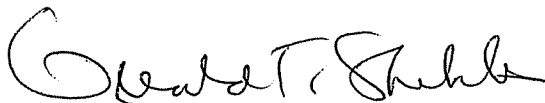
Applicant hereby requests reconsideration and reexamination thereof and reserves the right to pursue the claims as filed in the context of a continuation application.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

With the above amendments and remarks, this application is considered ready for allowance and applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he/she is respectfully requested to call the undersigned at the below listed number.

Application No. 10/577,610
Amdt. Dated 22 June 2009
Reply to Office Action of 22 January 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald T. Shekleton". The signature is fluid and cursive, with the first name "Gerald" being more prominent.

Dated: 22 June 2009

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